

think those of us on Style felt that by the word "appointee" the Committee on Legislative Branch had meant there should be an appointment. As soon as it is open for the General Assembly to determine it, it opens the whole field.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: I believe we have somewhat precluded an election because we have indicated lower in section 3.10 that the person chosen shall serve only until the next general election held at least ninety days after the vacancy occurs.

THE PRESIDENT: Delegate Burdette.

DELEGATE BURDETTE: You do mean to preclude elections?

DELEGATE GALLAGHER: Yes.

THE PRESIDENT: Are there further questions? Delegate Ritter.

DELEGATE RITTER: What would happen if a member of one party was holding the office and was defeated by a member of the other party, yet did not assume the office but died between the day of election and the day of swearing in? Would this go back then to his predecessor being of the other party?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: It is my recollection that the matter is covered by statute. I think the state central committee moves in at this point.

I understand it would be the state central committee of the nominee or the electee, as the case may be.

THE PRESIDENT: Delegate Ritter, a further question?

DELEGATE RITTER: You are not a member until you are sworn in and your predecessor would be the man who held the office prior.

DELEGATE GALLAGHER: I would believe that the language "a person chosen" would take care of that problem. Even though he might not have actually qualified, he would have been chosen.

THE PRESIDENT: Are there any further questions? Delegate Marion.

DELEGATE MARION: A question of Chairman Gallagher. Did I understand, in answer to Delegate Burdette's question, that you said your intention was to in effect preclude the General Assembly from providing by law for filling vacancies by

special elections? As I understood the amendment, it was to open the language a little wider so that it was not limited to appointment, necessarily, if the General Assembly wished to do otherwise.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: The Committee on the Legislative Branch had considered the idea of requiring a special election and had eliminated it as a constitutional requirement. However, I would presume that when we allow the General Assembly to determine the method that the methodology could possibly include an election, although we did not want to specifically call for it in this constitution.

THE PRESIDENT: Are there any further questions? Delegate Burdette.

DELEGATE BURDETTE: Now we are exactly back where I was speaking before. If this does permit an election, as seems to me to be the case, just as you have said, then it would seem perfectly evident that the General Assembly should not be required to limit that election to a part of the full term as it does in the sentences not here being amended but toward the end of section 3.10.

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: The Committee never discussed that possibility, as you will remember. I would say that the second part would still be applicable, regardless.

DELEGATE BURDETTE: Which would mean under the language that there would need to be two elections. If there were a special election arrangement in effect right now to fill a full term, two elections would be necessary. That seems most extraordinary and would in fact, as I thought you were saying a short time ago, preclude the General Assembly from having a special election, because why would you have a special election between now and 1968?

THE PRESIDENT: Delegate Gallagher.

DELEGATE GALLAGHER: I would believe as a practical matter that the General Assembly would not go the election route in the first instance because of the double expense. However, we do not want to foreclose the possibility if it wanted to make that determination.

THE PRESIDENT: Delegate Burdette.

DELEGATE BURDETTE: Perhaps we can do nothing here. I simply felt that if it did go by the route of a special election as